

January 29, 2008



**METROPOLITAN SEWER DISTRICT  
OF GREATER CINCINNATI**

1600 Gest Street  
Cincinnati, Ohio 45204  
513•244•1300  
[www.msdc.org](http://www.msdc.org)

James A. Parrott  
**Executive Director**

Chief, Enforcement and Compliance Assurance Branch  
Water Division (WCC-15J)  
U.S. EPA, Region V  
77 West Jackson Blvd.  
Chicago, Illinois 60604

U.S. Department of Justice  
Chief, Environmental Enforcement Section  
Environment and Natural Resources Division  
Post Office Box 7611  
Washington, D.C. 20044-7611  
Reference DJ # 90-5-1-6-341A

Ohio EPA Southwest District Office  
ATTN: DSW Enforcement Group Leader  
401 East Fifth Street  
Dayton, Ohio 45402-2911

Chief, Environmental Enforcement Section  
Ohio Attorney General's Office, 25th floor  
30 E. Broad Street  
Columbus, Ohio 43215-3428

Alan H. Vicory, Jr., Executive Director  
ORSANCO  
5735 Kellogg Avenue  
Cincinnati, Ohio 45228

RE: Civil Action C-1-02-107 Quarterly and Annual Reports  
Part One: Interim Partial Consent Decree on Sanitary Sewer Overflows  
Part Two: Global Consent Decree  
Annual Report: Global Consent Decree

Dear Sir or Madam:

Per the requirements of Section 9 of the Interim Partial Consent Decree on Sanitary Sewer Overflows (hereinafter the "SSO CD") first lodged on February 15, 2002, and Section 15 of the Consent Decree on Combined Sewer Overflows, Wastewater Treatment Plants and Implementation of Capacity Assurance Program Plan for Sanitary Sewer Overflows (hereinafter the "Global CD") first lodged on December 3, 2003, as entered by the U.S. District Court for Southern District of Ohio Western Division on June 9, 2004, the Metropolitan Sewer District of Greater Cincinnati (hereinafter "MSD") acting on behalf of the City of Cincinnati and the Board of County Commissioners for Hamilton County, hereby submits the enclosed report for the Calendar Quarter October 1 – December 31, 2006 (hereinafter referenced as "Q4 2006") and the Global CD 2006 Annual Report.

**Customer Service**  
513•352•4900

**Emergency Service**  
513•352•4900

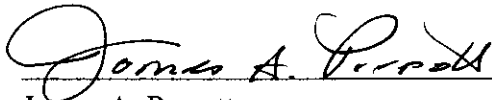


Civil Action C-1-02-107 Quarterly and Annual Reports  
Page 2

In accordance with Section 10.C of the SSO CD and Section 16.C of the Global CD, I hereby submit the following certification for this submission:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering such information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Sincerely,



James A. Parrott

~~██████~~ Executive Director

1-29-08

Date

Cc: Patrick J. Thompson, County Administrator, Hamilton County  
Milton Dohoney, Jr., City Manager, City of Cincinnati  
Christopher Buckley, Gibson, Dunn, & Crutcher  
Biju George, Deputy Director  
Nee Fong Chin, Hamilton County Prosecutor  
J. Rita McNeil, City Solicitor, City of Cincinnati Law Department  
Jessica Powell, Legal Aid Society of Greater Cincinnati  
Mark Klingenstein, DSW Group Leader  
James Simpson, Ohio EPA Southwest District  
Marilyn Wall, Sierra Club  
Karen Ball, Hamilton County  
Michael Pittinger, MSD/WWC  
Beverly Head, MSD/DIW  
Margie Anderson, MSD/WWA  
Darcy Riegel, MSD/WWE  
Donald Linn, MSD/WWT  
Martin Umberg, MSD/OOD  
Laura Porter, MSD/OOD  
Tom Lutzenberger, MSD  
Dotty Carman, Law Department  
Director Files  
Consent Decree Files

## **Part One**

# **Interim Partial Consent Decree on Sanitary Sewer Overflows**

Hamilton County  
(Metropolitan Sewer District)  
City of Cincinnati

## **Quarterly Report**

## Part One – Interim Partial Consent Decree Status Summary Report Hamilton County/City of Cincinnati, Ohio

### I. MAJOR REMEDIAL MEASURES CIP Projects (EXHIBIT 3)

Per *Section 6.A* of the SSO CD, MSD provides the following summary data:

HA SSO#	Location	Construction Complete Date	Summary Status: 4th Quarter 2007 (10/1 – 12/31)
<b><i>North College Hill Group</i></b>			
567	6936 Grace Ave.	10/31/2003	Construction substantially completed 4/18/03. (Sanitary Sewer 5307, CIP 2001-24)
530	6309 Betts Ave.	12/31/2004	Construction substantially completed 12/22/04. SSO 530 was eliminated. (Sanitary Sewer 2595, CIPs 83-07-02C; 83-07-02D; 87-07-03)
531	Goodman & Baker Aves. Intersection	2/29/2005	Construction substantially completed 8/2/04. SSO 531 was eliminated. SSO 577 was
577	Sterling Ave.	2/29/2005	eliminated. (Sanitary Sewer 5306, CIP 2001-25)
<b><i>Madeira Group</i></b>			
570	Euclid & Maple Aves. Intersection	7/31/2004	Construction substantially completed 6/23/04. (Sanitary Sewer 5305, CIP 02-27) SSO 570 was eliminated. SSO 1017 was eliminated. Camargo
1017	7907 Euclid Ave.	7/31/2004	Road Phase 1B-A construction substantially completed 5-3-02. (Sanitary Sewer 3042, CIP 2000-17) Maple Ave Sewer Replacement construction substantially completed 1999. (Sanitary Sewer 4747, CIP 97-78)
<b><i>Mariemont Group</i></b>			
679A	6501 Park Ave	7/31/2006	Construction substantially completed September
679B	6500 Mariemont Ave.	7/31/2006	15, 2006. SSOs 679A, 679B, 680 were removed
680	Wooster Pike & Park Ave. intersection	7/31/2006	effective 7/22/06. (Sanitary Sewer 3490, CIP 2001-27)
<b><i>Others</i></b>			
572	406 Elliott Ave.	9/30/2002	Construction substantially completed 6/27/02. SSO 572 was removed June 27, 2002. WWC repair crews permanently plugged the connections from the storm water inlets upstream of SSO 572 and filled the inlets with bank run gravel. The work was started and completed on the same day (6/27/02). One inlet plug failed and was resealed by WWC. SSO 572 continued to bypass after the inlets were plugged. Sewer replacement work to provide additional hydraulic capacity downstream of SSO 572 was performed in conjunction with the County's Elliot Avenue Bridge replacement. The sewer replacement work was substantially completed on 11/25/05. (Sanitary Sewer 5199, CIP 2000-54)

## Part One – Interim Partial Consent Decree Status Summary Report Hamilton County/City of Cincinnati, Ohio

### I. MAJOR REMEDIAL MEASURES (cont.)

#### CIP Projects (EXHIBIT 3) (cont.)

HA SSO#	Location	Construction Complete Date	Summary Status: 4th Quarter 2007 (10/1 – 12/31)
<i>Others (cont'd.)</i>			
576	Swift & Attica intersection	9/30/2002	Construction substantially completed 2/1/02. SSO 576 was eliminated. (Sanitary Sewer 3694, CIP 94-18)
620	9094 Eldora Dr.	7/31/2005	Part "A" construction substantially completed 12/1/03. Part "B" construction substantially completed 9/2/05. SSO 620 was eliminated. (Sanitary Sewer 2918, CIP 83-08-02)
628	Pippin Rd., north of Adams Rd.	10/31/2005	Construction substantially completed 11/1/04. SSO 628 was eliminated. (Sanitary Sewer 2195, CIP 80-26-02)
634	W. Galbraith & Parrish Aves.	June 1998	Construction substantially completed 1998. SSO 634 was eliminated. (Sanitary Sewer 4654, CIP 96-130)
706	3933 Race Rd.	June 1998	Construction substantially completed 1998. SSO 706 was eliminated. (Sanitary Sewer 3691, CIP 94-14)
1023	4021 Matson Ave.	4/30/2005	Construction substantially completed April 2005. SSO 1023 was eliminated. (Sanitary Sewer 3976, CIP 2001-26)
1053	5151 Camargo Road	5/31/2005	Construction substantially completed March 2005. SSO 1053 was eliminated. (Sanitary Sewer 3955, CIP 96-12))

Eliminated – Has not activated for a two-year period.

Removed – Improvements have been made but two years have not passed.

Construction complete – means substantially complete – pipe material and appurtenants have been installed, tested, and accepted and are operational.

## Part One – Interim Partial Consent Decree Status Summary Report Hamilton County/City of Cincinnati, Ohio

### I. MAJOR REMEDIAL MEASURES *(cont.)*

Section Number	Section Name	Summary Status: 4th Quarter 2007 (10/1 – 12/31)
VI.B	SSO 700 Interim Measures	<p>Per Section 6.B of the SSO CD, MSD provides the following summary data:</p> <p>The Facility continues to be operated. The system is operational in manual and automatic modes. Punch list tasks are currently being addressed. The CEHRS &amp; Storage Facility Effectiveness Study Plan was transmitted to the Government on March 10, 2006. A letter including a response to comments from the Government was transmitted on January 10, 2007 and the work plan was approved July 18, 2007. On September 1, 2007, notice to proceed was given to Burgess &amp; Niple Engineering firm to start the work plan. Since September 2007, the CEHRS &amp; Storage Facilities have been operated during rain events. The first Initial Verification Test required to be performed as part of the Two-Year Effectiveness Study of the SSO 700 Storage and Treatment Facility was carried out on Wednesday December 12, 2007.</p>
VI.C	Permanent Remedial Measures for SSO 700	<p>Per Sections 6.C of the SSO CD, MSD provides the following summary data:</p> <p>MSD submitted a letter to the Government dated December 15, 2005 stating that MSDGC will not pursue construction of the Mill Creek Deep Tunnel.</p>
VII.B	Sanitary Sewer System Hydraulic Model EXHIBIT 4	<p>Per Section 7.B of the SSO CD, MSD provides the following summary data:</p> <p>During Q4 2003, MSD completed the model.</p>
VII.C-D	Capacity Assessment Plan/Report	<p>Per Sections 7.C-D of the SSO CD, MSD provides the following summary data:</p> <p>Final approval of the report was received in letter dated January 12, 2005 from the USEPA.</p>
VII.E	Capacity Assurance Program Plan	<p>Per Section 7.E of the SSO CD, MSD provides the following summary data:</p> <p>Work on the Capacity Assurance Program was completed and the Plan was submitted to the Government on June 22, 2006 as part of the MSD Wet Weather Improvement Plan.</p>

## Part One – Interim Partial Consent Decree Status Summary Report Hamilton County/City of Cincinnati, Ohio

### II. PERFORMANCE MEASURES COMPLIANCE SUMMARIES

Section Number	Section Name	Summary Status: 4th Quarter 2007 (10/1 – 12/31)
VII.F	SSO Monitoring and Reporting Plan EXHIBIT 5	<p>Implementation of the <u>SSO Monitoring and Reporting Plan</u> continued in Q4 2007.</p> <p><i>Please see attached detailed Q4 2007 performance measures compliance summary for the <u>SSO Monitoring and Reporting Plan</u> (PART ONE, ATTACHMENTS A - C). Information included in this section are monthly summaries of field-verified SSOs submitted to OEPA and the Hamilton County General Health District.</i></p>
VII.G	Sewer Overflow Response Plan EXHIBIT 6	<p>Implementation of the <u>Sewer Overflow Response Plan</u> (SORP) continued in Q4 2007.</p> <p>MSD has trained 100% of applicable employees on the SORP.</p> <p><i>Please see attached detailed Q4 2007 performance measures compliance summary for the <u>SSO Overflow and Response Plan</u> (PART ONE, ATTACHMENTS A - C). Information included in this section are monthly summaries submitted to OEPA and the Hamilton County General Health District.</i></p>
VII.H	Operation & Maintenance Program EXHIBIT 7	<p>Implementation of the <u>Operation and Maintenance Plan</u> continued in Q4 2007.</p> <p><i>Please see attached detailed Q4 2007 performance measures compliance summary for the <u>Operation and Maintenance Plan</u> (PART ONE, ATTACHMENT D).</i></p>
VII.I	Industrial Waste SSO/CSO Discharge Minimization & Management Program EXHIBIT 8	<p>Implementation of the <u>Industrial Waste SSO/CSO Discharge Minimization &amp; Management Program</u> continued in Q4 2007.</p> <p><i>Please see attached detailed Q4 2007 performance measures compliance summary for the <u>Industrial Waste SSO/CSO Discharge Minimization &amp; Management Program</u> (PART ONE, ATTACHMENT E).</i></p>

## Part One – Interim Partial Consent Decree Status Summary Report Hamilton County/City of Cincinnati, Ohio

### II. PERFORMANCE MEASURES COMPLIANCE SUMMARIES *(cont.)*

Section Number	Section Name	Summary Status: 4th Quarter 2007 (10/1 – 12/31)
VII.J	Pump/Lift Station O&M Procedures EXHIBIT 9	<p>The Metropolitan Sewer District (MSD) staff performed regular preventive maintenance on all pump stations according to the current preventive maintenance procedures.</p> <p>MSD staff responded to pump station alarms as quickly as possible so as to prevent an overflow or reduce the duration of an overflow.</p>
VII	Short Term Adequate Capacity Program EXHIBIT 10	<p>The following credits were established following the guidelines set forth in Section 3.1.3 of the <u>Short Term Capacity Plan</u>. (See tables below and PART ONE, ATTACHMENT F).</p> <p>The Engineering Report for Assessment of Sewer Rehabilitation for the Hunt &amp; Floral Area and the Brill Area was submitted on December 31, 2005 as required by Exhibit 10 of the Interim Consent Decree.</p> <p>The Engineering Report for Assessment of Sewer Rehabilitation for the Margaret Lane Area was submitted on December 31, 2007 as required by Exhibit 10 of the Interim Consent Decree.</p>



## Part One – Interim Partial Consent Decree Status Summary Report Hamilton County/City of Cincinnati, Ohio

### II. PERFORMANCE MEASURES COMPLIANCE SUMMARIES (*cont.*)

Short-Term Adequate Capacity Program Credits (**EXHIBIT 10**) (*cont.*)

SSO No.	Credits Established	Dishes Installed	Credits Used	Date
<b>Plant: Little Miami</b>				
<i>Clough</i>				
588	0.8	MHR		11/01/07
	2.7	MHR		11/19/07
	2.1	MHR		12/03/07
<b>Plant: Mill Creek</b>				
<i>East Branch</i>				
700	64.3	MHR		10/18/07
	24.7	MHR		11/01/07
			25.89	11/02/07
			0.2	11/14/07
			4.69	12/10/07
<i>Pleasant Run</i>				
1055	27.4	MHR		11/01/07
<i>South Branch</i>				
1043	1.7	MHR		11/19/07

<b>Plant: Muddy Creek</b>				
697			0.53	10/22/07
			6.0	10/30/07
			21.0	12/13/07
<b>Plant: Polk Run</b>				
565	13.5	MHR		11/01/07
	2.0	MHR		11/26/07
			39.63	10/19/07
			0.95	11/13/07
			2.55	12/14/07
690	66.4	MHR		11/26/07
<b>Plant: Sycamore</b>				
647			1.0	11/14/07
1052	0.9	MHR		10/18/07
	1.3	MHR		12/03/07
	1.3	MHR		12/17/07
			2.62	11/7/07
			0.54	11/15/07
			4.0	11/26/07

## Part One – Interim Partial Consent Decree Status Summary Report Hamilton County/City of Cincinnati, Ohio

### III. PTIs APPLIED FOR/ISSUED

Per Sections 8.A-D of the SSO CD, MSD provides the following summary data:

Private Development:

During Q4 2007, MSD applied for 9 private development PTIs on behalf of the Hamilton County builders and developers.

During Q4 2007, MSD was issued 7 PTIs on behalf of the Hamilton County builders and developers from OEPA.

Public Improvements:

During Q4 2007, MSD applied for 3 PTIs from OEPA. During Q4 2007, OEPA issued MSD 1 PTI. During Q2 2007, MSD applied for one additional PTI and it was issued during Q3 2007. This PTI was not previously noted in previous reports.

Industrial User:

During Q4 2007, MSD conducted 1 concurrent review of Industrial User's PTIs. Three PTIs were issued for Industrial User's during Q4 2007.

*Please see detailed PTI summary below for Q4 2007.*

#### Q4 2007 PRIVATE DEVELOPMENT PTIs

PROJECT NAME	SEWER NO.	DRAINAGE BASIN	PTI SUBMITTED	PTI ISSUED
Stone Creek Towne Center Phase 2	5737 B	New Baltimore	10/03/2007	11/27/2007
Clippard Subdivision	5900	Taylor Creek	10/16/2007	10/25/2007
Whispering Oak Estates	5903	Taylor Creek	10/16/2007	10/25/2007
Target at Western Hills Shopping Center	5899	Muddy Creek	10/22/2007	11/14/2007
Aramark Sanitary Sewer Extension	5883	South Mill Creek	10/26/2007	11/30/2007
Vintage Club at the Reserve Phase 3	5759 B	Polk Run	10/29/2007	11/14/2007
ERH Deupree Cottages	5904	Duck Creek	11/07/2007	
Pine Road Sewer Extension	5803	Sycamore	11/26/2007	12/06/2007
Vintage Club S.S. Relocation 5759A	5759 A	Polk Run	12/20/2007	

## Part One – Interim Partial Consent Decree Status Summary Report Hamilton County/City of Cincinnati, Ohio

### III. PTIs APPLIED FOR / ISSUED (*cont.*)

#### Q4 2007 PUBLIC DEVELOPMENT PTIs

PROJECT NAME (Sanitary Sewer #, CIP)	PTI SUBMITTED	PTI RESUBMITTED	PTI ISSUED	COMMENTS:
Kemper Lane Sewer Replacement (S.S. 5727, CIP 2005-33)	11/13/2007		11/28/2007	
Mt. Washington Pump Station (S.S. # 3960, CIP 96-17)	12/03/2007			
Glenwood Avenue Sewer Replacement (S.S. # 5723, CIP 2005-17)	12/04/2007			

#### Q4 2007 INDUSTRIAL USER PTIs

SSO NUMBERS	COMPANY NAME	APPLICATION DATE	ISSUED	STATUS/COMMENTS:
N/A	Cognis Corporation	10/18/2007	11/06/2007	Stormwater and Spill Containment
N/A	Cargo Clean South	04/24/2007	11/28/2007	Relocate Pretreatment System from Queen City Barrel
N/A	Wal-Mart SuperCenter # 4609	06/27/2007	09/05/2007	Silver Recovery Unit
N/A	Valvoline Instant Oil Change	09/18/2007	12/07/2007	Oil/Water Separator

**NOTE:** MSD's Division of Industrial Waste does not apply for or receive PTI approval. DIW conducts concurrent reviews of IU PTIs with OEPA.